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**From:** Ziegler, Sam [Ziegler.Sam@epa.gov]  
**Sent:** 5/29/2019 1:23:07 AM  
**To:** Hurd, Kathy [Hurd.Kathy@epa.gov]  
**CC:** Goldmann, Elizabeth [Goldmann.Elizabeth@epa.gov]  
**Subject:** RE: AZ assumption 404 and UIC authority  
**Attachments:** RA 404 Assumption TPs for ADEQ mtg .docx

The RA has a call with Misael Cabrera of ADEQ on Thursday to talk about tribal consultation for 404 assumption and UIC primacy. Attached FYI are draft talking points that I prepared. They will be compiled by someone else so we will see how they develop. SZ

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**From:** Hurd, Kathy  
**Sent:** Tuesday, May 28, 2019 11:02 AM  
**To:** Ziegler, Sam <Ziegler.Sam@epa.gov>  
**Cc:** Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>  
**Subject:** RE: AZ assumption 404 and UIC authority

Thanks, so when is call with RA? Just asking as I'm awaiting language from Simma on the three points I mentioned last week. - Kathy

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**From:** Ziegler, Sam  
**Sent:** Tuesday, May 28, 2019 12:56 PM  
**To:** Hurd, Kathy <Hurd.Kathy@epa.gov>  
**Cc:** Goldmann, Elizabeth <Goldmann.Elizabeth@epa.gov>  
**Subject:** FW: AZ assumption 404 and UIC authority

FYI

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**From:** Gullatt, Kristin  
**Sent:** Friday, May 24, 2019 12:45 PM  
**To:** Ziegler, Sam <Ziegler.Sam@epa.gov>  
**Cc:** Brush, Jason <Brush.Jason@epa.gov>  
**Subject:** FW: AZ assumption 404 and UIC authority

Sam – Can you take the lead on this Tuesday?

On May 24, 2019, at 12:24 PM, Gullatt, Kristin <Gullatt.Kristin@epa.gov> wrote:

Jason – Can you work with Sam and David to pull together talking points for Mike's call with AZ. Then we will prepare a draft response from Mike to Alex Cabillo. I'd like to review the talking points before they go to TT/RA.

Thanks,  
KG

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**From:** Torres, Tomas  
**Sent:** Friday, May 24, 2019 12:16 PM  
**To:** Albright, David <Albright.David@epa.gov>; Ziegler, Sam <Ziegler.Sam@epa.gov>; Blake, Ellen <Blake.Ellen@epa.gov>; Gullatt, Kristin <Gullatt.Kristin@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>  
**Subject:** Fwd: AZ assumption 404 and UIC authority

Kristin, can you work with the Team to compile a few TPs for the RA's call with Misael on engaging tribes on UIC and 404 assumption. It may be helpful to provide Mike with a bullet or two on timing and ADEQ reg/staffing capacity, as appropriate. You may have more insights from your RTOC discussions.

Thx

If possible by cob Tuesday.

Thx!

Tomás Torres

Begin forwarded message:

**From:** "Torres, Tomas" <Torres.Tomas@epa.gov>  
**Date:** May 24, 2019 at 12:01:48 PM PDT  
**To:** "Stoker, Michael B." <stoker.michael@epa.gov>  
**Cc:** "Jordan, Deborah" <Jordan.Deborah@epa.gov>, "Strauss, Alexis" <Strauss.Alexis@epa.gov>, "Hage, Christopher" <hage.christopher@epa.gov>, "Ebbert, Laura" <Ebbert.Laura@epa.gov>, "Gullatt, Kristin" <Gullatt.Kristin@epa.gov>, "Brush, Jason" <Brush.Jason@epa.gov>, "Albright, David" <Albright.David@epa.gov>, "Blake, Ellen" <Blake.Ellen@epa.gov>  
**Subject:** RE: AZ assumption 404 and UIC authority

We'll put together some talking point for you.

Tomás Torres

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**From:** Stoker, Michael B.  
**Sent:** Friday, May 24, 2019 11:49 AM  
**To:** Torres, Tomas <Torres.Tomas@epa.gov>  
**Cc:** Jordan, Deborah <Jordan.Deborah@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Hage, Christopher <hage.christopher@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>; Gullatt, Kristin <Gullatt.Kristin@epa.gov>; Brush, Jason <Brush.Jason@epa.gov>; Albright, David <Albright.David@epa.gov>; Blake, Ellen <Blake.Ellen@epa.gov>  
**Subject:** Re: AZ assumption 404 and UIC authority

Let's put this on my agenda to discuss with him next week.

Michael Stoker  
EPA Regional Administrator-Region 9  
Cell: Ex. 6 Personal Privacy (PP)

On May 24, 2019, at 11:25 AM, Torres, Tomas <Torres.Tomas@epa.gov> wrote:

Hi Mike,

Alex asked me to forward his e-mail to you (below), as he got a returned e-mail notice. I presume this came up at RTOC this week

- I received similar comments from the Intertribal Council of Arizona when I met with them a month ago.

We expect to get ADEQ's UIC Program delegation package in the Spring of 2020 and are working with ADEQ to ensure their delegation package is as comprehensive and protective as possible. We are doing the same with the 404 package, which we expect in the fall of 2020.

We are encouraging ADEQ to meet with the 22 Arizona Tribes individually to the extent possible, and it will be important for Misael to be engaged with the Tribal leadership (thus far, ADEQ's engagement with Tribes has been at the staff and mid-management level). Perhaps this is something to discuss at our next ADEQ/SMT conference call.

Tomás Torres

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**From:** alex <[Ex. 6 Personal Privacy (PP)]>  
**Sent:** Friday, May 24, 2019 10:50 AM  
**To:** [stoker.mike@epa.gov](mailto:stoker.mike@epa.gov)  
**Cc:** Torres, Tomas <[Torres.Tomas@epa.gov](mailto:Torres.Tomas@epa.gov)>; Angeles, Danielle <[Angeles.Danielle@epa.gov](mailto:Angeles.Danielle@epa.gov)>; Damon Clarke <[DClarke2@hualapai-nsn.gov](mailto:DClarke2@hualapai-nsn.gov)>; [rpowskey@hualapai-nsn.gov](mailto:rpowskey@hualapai-nsn.gov); [Ex. 6 Personal Privacy (PP)] <[gwagner@3rivers.net](mailto:gwagner@3rivers.net)>; [sclow@utemountain.org](mailto:sclow@utemountain.org); Michael Bolt <[michbolt@nc-chokeee.com](mailto:michbolt@nc-chokeee.com)>; [epa@guidiville.net](mailto:epa@guidiville.net); [mwright@plpt.nsn.us](mailto:mwright@plpt.nsn.us); 'Ronnie Ben AZ' <[ronnieben@navajo-nsn.gov](mailto:ronnieben@navajo-nsn.gov)>; [Ex. 6 Personal Privacy (PP)] <[lanny.siyuja@hualapai-nsn.gov](mailto:lanny.siyuja@hualapai-nsn.gov)>; [naturalresources1.citlink.net](mailto:naturalresources1.citlink.net) <[naturalresources1@citlink.net](mailto:naturalresources1@citlink.net)>; [a.bacock@bigpinepaiute.org](mailto:a.bacock@bigpinepaiute.org); Burg (E-mail) Marta <[tribalaw@pacbell.net](mailto:tribalaw@pacbell.net)>  
**Subject:** AZ assumption 404 and UIC authority

Mike, as a follow-up to our meetings this past week. I have been informed that I should share with you the issues that the Hualapai Tribe has with the state of AZ assuming the 404 and UIC authorities from EPA and the Corps of Engineers.

They are as follows:

1. The state of AZ does not currently have an operational wetlands program, where many of the 404 permits would be initiated.
2. The water quality standards of the state are already less stringent than federal water quality standards.
3. The state of AZ likes to show case their Aquifer Protection Permitting program and this water resource manager would like to showcase a flaw in the protection of ground water in this permitting process; The Freeport Mc Mo Ran copper mine in Bagdad, AZ has an aquifer protection permit that the mine is subject to in the Protection of the aquifer beneath the active mine site. Attached to and a part of this mining operation is a pipeline connected to the mine

from the Big Sandy River aquifer, the mine pumps annually 10,000 acre feet of fresh water, in the day to day operation and processing of the ore materials to get the copper. The wells in the Big Sandy river aquifer connected to the mine are not protected by the state of AZ Aquifer Protection Permit process. The failure to adequately protect all ground water aquifers associated with the copper mining industry. Is a failure of adequate protection of ground water resources in the state. In addition, there are prohibitions of inter-basin transfers of water for drinking water use, but there is no prohibitions of the transferring fresh potable water from one basin to another, if it is used for the processing of ore materials. In addition to these objections, in the state of AZ there are 22 sovereign tribal nations as well as the state, this tribal member is under the perception that if there is one or more, tribal sovereign nations; that the tribes may have a stronger standing and there should be serious consideration of the consequences if the sovereignty of the tribal nations are minimized. If you should have any questions or need clarification

please call or email me. Ex. 6 Personal Privacy (PP) or

Ex. 6 Personal Privacy (PP) Sincerely, Alex Cabillo